

**Joseph Russo**

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**From:** Bernadette Reyes <bernadette@uclavrp.org>  
**Sent:** Friday, April 28, 2023 2:48 PM  
**To:** Shawn Sheehy  
**Cc:** Valencia Richardson; Hilary Harris Klein; Dallin Holt; Vall-Ilobera, Diana; Sarah Chen; Jason Torchinsky; bob.boemer@co.galveston.tx.us; Angela Olalde; dloesq@aol.com; Jordan Raschke Elton; joe@nixonlawtx.com; Joseph Russo; Mark Gaber; Neil Baron; Simone Leeper; Sonni Waknin; Chad Dunn; Silberstein, Andrew; Hani Mirza; Suriani, JoAnna; Joaquin Gonzalez; Garrett, Kathryn; Polizzano, Michelle; Zhu, Molly; Nickolas Spencer; Mancino, Richard; Gear, Bruce (CRT); Jayaraman, Tharuni (CRT); Newkirk, Zachary (CRT); Mateo Forero; Smith, K'Shaani (CRT); Wake, Brittany (CRT); Alexandra Copper  
**Subject:** Re: Petteway v. Galveston County, 3-22-cv-57 - Petteway Plaintiffs' Expert Reports  
**Attachments:** BISG Replication Scripts.zip

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Shawn-

You have yet to explain why you require this new information. As I mentioned in my prior email and as Dr. Alford testified April 27th, Defendants have more than enough information to recreate the BISG analysis. Dr. Alford admitted in deposition that he has the vote history file and that he has experience running BISG with the wru package in R. Further, as Judge Edison explained in the hearing weeks ago, rebuttal reports were allowed so long as they were submitted on the deadline of April 14, 2023 at noon. The rebuttal contains no new theory of the case and indeed adequately responds to Dr. Alford's claims on the degree of Hispanic voter cohesion.

As you may recall, Petteway Plaintiffs reminded Defendants in November and December 2022 of their responsibility to provide the voter file pursuant to U.S. and NAACP First Request for Production #1(d), served in August 2022. Defendants disagreed that the voter file was responsive to the Plaintiffs' requests and forced Plaintiffs to serve a second request. The voter file was not produced by Defendants until January 11, 2023 – two days before Dr. Barreto's report was due. In their January 13 report, Dr. Barreto and Mr. Rios indicated they planned to do additional analysis if more data was provided. They did not receive all data in time. Defendants, therefore, have had clear notice that Dr. Barreto and Mr. Rios needed the voter files to run this type of analysis.

As for your specific requests, the full details of BISG and requisite code has been produced in our prior email and the April 14, 2023 rebuttal report. The code is from the Imai and Khanna wru package, as Dr. Barreto testified about this during his deposition. Dr. Barreto additionally reiterated that BISG analysis is done from the wru code, and that his report contains a direct citation to a "how to" guide and full code repository for BISG. Your request for "intermediate results" is similarly puzzling and unnecessary. "Intermediate results" are, by definition, not the code you need to run the wru package. It is an optional "output" during the middle - or in your words - intermediate step of the program that does not automatically save as a set of results. Indeed, by your own language, these "results" are not part of the code needed to run any BISG analysis.

As Dr. Alford is, I am sure, aware though his work as an expert, intermediate results are not produced by experts when they are not necessary to recreate any analysis. Indeed, in his own work as an expert, Dr. Alford often runs a surname analysis against the voter file, and in prior cases in Texas he has not produced any such "intermediate results" of his analysis of the voter file after flagged with Spanish surnames. Like most experts, Dr. Alford simply uses the information from the Spanish surname analysis as input into his EI models - the

norm and standard practice.

Nevertheless, to ease Dr. Alfords replication of a BISG analysis on Galveston County, attached please find the exact BISG code for conducting such analysis, which we have previously provided a direct link to in our April 14, 2023 report.

Best,

On Thu, Apr 27, 2023 at 1:31 PM Shawn Sheehy <[ssheehy@holtzmanvogel.com](mailto:ssheehy@holtzmanvogel.com)> wrote:

Bernadette,

Defendants request Professor Barreto's complete, actual R script that he used to produce the results in his rebuttal report, particularly the BISG analysis. Defendants also request Professor Barreto's input parameters and his commands, and any and all intermediate results produced by that analysis (the complete voter file with each voter coded to racial and ethnic probabilities, and the precinct level data set with the aggregate level probabilities, including the precinct level BISG estimates for the proportion of the turned out vote in the precinct in each of the racial or ethnic categories).

If we do not receive this data by COB tomorrow (Friday), Defendants will move to strike Professor Barreto's rebuttal report because it contains new analysis.

Thank you,

**Shawn Sheehy**  
**Holtzman Vogel Baran Torchinsky & Josefiak PLLC**  
**Mobile:**

202-941-6421

**Washington DC Office**  
2300 N Street, NW, Ste 643-A  
Washington, DC 20037  
(202) 737-8808

**Virginia Office**  
15405 John Marshall Highway  
Haymarket, VA 20169  
(540) 341-8808



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**From:** Bernadette Reyes <[bernadette@uclavrp.org](mailto:bernadette@uclavrp.org)>  
**Sent:** Thursday, April 27, 2023 2:02 PM  
**To:** Shawn Sheehy <[ssheehy@holtzmanvogel.com](mailto:ssheehy@holtzmanvogel.com)>  
**Cc:** Valencia Richardson <[VRichardson@campaignlegalcenter.org](mailto:VRichardson@campaignlegalcenter.org)>; Hilary Harris Klein <[hilaryhklein@scsj.org](mailto:hilaryhklein@scsj.org)>; Dallin Holt <[dholt@holtzmanvogel.com](mailto:dholt@holtzmanvogel.com)>; Vall-llobera, Diana <[DVall-llobera@willkie.com](mailto:DVall-llobera@willkie.com)>; Sarah Chen <[schen@texascivilrightsproject.org](mailto:schen@texascivilrightsproject.org)>; Jason Torchinsky <[jtorchinsky@holtzmanvogel.com](mailto:jtorchinsky@holtzmanvogel.com)>; [bob.boemer@co.galveston.tx.us](mailto:bob.boemer@co.galveston.tx.us); Angela Olalde <[aolalde@greerherz.com](mailto:aolalde@greerherz.com)>; [dloesq@aol.com](mailto:dloesq@aol.com); [jraschke@greerherz.com](mailto:jraschke@greerherz.com); [joe@nixonlawtx.com](mailto:joe@nixonlawtx.com); Joseph Russo <[JRusso@greerherz.com](mailto:JRusso@greerherz.com)>; Mark Gaber <[MGaber@campaignlegalcenter.org](mailto:MGaber@campaignlegalcenter.org)>; [neil@ngbaronlaw.com](mailto:neil@ngbaronlaw.com); Simone Leeper <[SLeeper@campaignlegalcenter.org](mailto:SLeeper@campaignlegalcenter.org)>; [sonni@uclavrp.org](mailto:sonni@uclavrp.org); Chad Dunn <[chad@brazilanddunn.com](mailto:chad@brazilanddunn.com)>; Silberstein, Andrew <[ASilberstein@willkie.com](mailto:ASilberstein@willkie.com)>; Hani Mirza <[hani@texascivilrightsproject.org](mailto:hani@texascivilrightsproject.org)>; Suriani, JoAnna <[JSuriani@willkie.com](mailto:JSuriani@willkie.com)>; Joaquin Gonzalez <[joaquin@texascivilrightsproject.org](mailto:joaquin@texascivilrightsproject.org)>; Garrett, Kathryn <[KGarrett@willkie.com](mailto:KGarrett@willkie.com)>; Polizzano, Michelle <[MPolizzano@willkie.com](mailto:MPolizzano@willkie.com)>; Zhu, Molly <[MZhu@willkie.com](mailto:MZhu@willkie.com)>; [nas@naslegal.com](mailto:nas@naslegal.com); Mancino, Richard <[RMancino@willkie.com](mailto:RMancino@willkie.com)>; Gear, Bruce (CRT) <[Bruce.Gear@usdoj.gov](mailto:Bruce.Gear@usdoj.gov)>; Jayaraman, Tharuni (CRT) <[Tharuni.Jayaraman@usdoj.gov](mailto:Tharuni.Jayaraman@usdoj.gov)>; Newkirk, Zachary (CRT) <[Zachary.Newkirk@usdoj.gov](mailto:Zachary.Newkirk@usdoj.gov)>; Mateo Forero <[mforero@holtzmanvogel.com](mailto:mforero@holtzmanvogel.com)>; Smith, K'Shaani (CRT) <[K'Shaani.Smith@usdoj.gov](mailto:K'Shaani.Smith@usdoj.gov)>; Wake, Brittany (CRT) <[Brittany.Wake@usdoj.gov](mailto:Brittany.Wake@usdoj.gov)>; Alexandra Copper <[ACopper@campaignlegalcenter.org](mailto:ACopper@campaignlegalcenter.org)>  
**Subject:** Re: Petteway v. Galveston County, 3-22-cv-57 - Petteway Plaintiffs' Expert Reports

Good afternoon,

We understand that your expert is asking for explicit code to replicate our Bayesian Improved Surname Geocoding (BISG) estimates on the Galveston County voter files, but our experts have already provided in detail the necessary instructions, and **links to code, that any Political Scientist expert witness can use** to conduct the BISG analysis.

On page 9 of their report, Dr. Barreto and Mr. Rios state that BISG "relies on a combination of Census surname analysis and Census block-level racial demographics to provide an overall probability assessment of the voter's race or ethnicity." The above statement includes a footnote to the "Improving ecological inference by predicting individual ethnicity from voter registration records" paper by Dr. Imai and Dr. Khanna. In this report, Dr. Imai and Dr. Khanna explain that

the methods introduced in their paper used "the R package, wru: Who Are You? Bayesian Prediction of Racial Category Using Surname and Geolocation," which "is freely available for download at <https://cran.r-project.org/package=wru>." This report both details the underlying BISG methodology and provides directions on where to access the package needed to conduct the analysis.

Furthermore, on page 9 of their report, Dr. Barreto and Mr. Rios reference a paper titled "A novel method for showing racially polarized voting: Bayesian improved surname geocoding," in which Dr. Barreto was a co-author. Beginning on page 31 of the mentioned report, the authors detail the techniques of BISG and again reference Dr. Imai and Dr. Khanna's report and the R package, wru: Who Are You?.

Pages 9 to 10 of the Barreto-Rios Rebuttal report detail the two primary steps of BISG analysis, including geocoding voter addresses and the surname matching process. Geocoding can be done by various free tools, including the R package: censusxy with descriptions on installation and instructions at <https://chris-prener.github.io/censusxy/articles/censusxy.html>. Geocoding can also be done by multiple paid services such as Geocodio, OpenCage, and others.

Voter surname matching is built into the repeatedly referenced R package: wru. Detailed instructions on package installation and use can be found at <https://github.com/kosukeimai/wru>.

That being said, Dr. Barreto and Mr. Rios have already explained how to replicate the BISG estimates referenced in their report, either directly in their rebuttal or by pointing to detailed guides that are free and publicly accessible. Indeed, during his deposition today Dr. Alford confirmed that he and his associate Dr. Stevenson were familiar with and had successfully run a BISG analysis before and were familiar with and have utilized the wru: Who Are You package before. He is also familiar with BISG due to work on a case with Dr. Barreto himself. Importantly, Dr. Alford testified that he had all the data necessary to run a BISG analysis for Galveston County. Please revisit Petteway Plaintiffs rebuttal report and see the sources mentioned or this email for further guidance.

Best,

Bernadette

On Tue, Apr 25, 2023 at 1:46 PM Shawn Sheehy <[ssheehy@holtzmanvogel.com](mailto:ssheehy@holtzmanvogel.com)> wrote:

Valencia,

Please provide the actual R code Professor Barreto used for his BISG analysis. Please also provide the output files from Professor Barreto's BISG procedure.

Thank you,

**Shawn Sheehy**  
**Holtzman Vogel Baran Torchinsky & Josefiak PLLC**

**Mobile:**

202-941-6421

**Washington DC Office**

2300 N Street, NW, Ste 643-A  
Washington, DC 20037

(202) 737-8808

**Virginia Office**

15405 John Marshall Highway  
Haymarket, VA 20169

(540) 341-8808



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**From:** Valencia Richardson <[VRichardson@campaignlegalcenter.org](mailto:VRichardson@campaignlegalcenter.org)>

**Sent:** Friday, April 14, 2023 12:12 PM

**To:** Shawn Sheehy <[ssheehy@HoltzmanVogel.com](mailto:ssheehy@HoltzmanVogel.com)>; Hilary Harris Klein <[hilaryhklein@scsj.org](mailto:hilaryhklein@scsj.org)>; Dallin Holt <[dholt@HoltzmanVogel.com](mailto:dholt@HoltzmanVogel.com)>; Vall-Ilobera, Diana <[DVall-Ilobera@willkie.com](mailto:DVall-Ilobera@willkie.com)>; Sarah Chen <[schen@texascivilrightsproject.org](mailto:schen@texascivilrightsproject.org)>; Jason Torchinsky <[jtorchinsky@HoltzmanVogel.com](mailto:jtorchinsky@HoltzmanVogel.com)>; bob.boemer@co.galveston.tx.us; Angela Olalde <[aolalde@greerherz.com](mailto:aolalde@greerherz.com)>; dloesq@aol.com; iraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <[JRusso@greerherz.com](mailto:JRusso@greerherz.com)>; bernadette@uclavrp.org; Mark Gaber <[MGaber@campaignlegalcenter.org](mailto:MGaber@campaignlegalcenter.org)>; neil@ngbaronlaw.com; Simone Leeper <[SLeeper@campaignlegalcenter.org](mailto:SLeeper@campaignlegalcenter.org)>; sonni@uclavrp.org; Chad Dunn <[chad@brazilanddunn.com](mailto:chad@brazilanddunn.com)>; Silberstein, Andrew <[ASilberstein@willkie.com](mailto:ASilberstein@willkie.com)>; Hani Mirza <[hani@texascivilrightsproject.org](mailto:hani@texascivilrightsproject.org)>; Suriani, JoAnna <[JSuriani@willkie.com](mailto:JSuriani@willkie.com)>; Joaquin Gonzalez <[joaquin@texascivilrightsproject.org](mailto:joaquin@texascivilrightsproject.org)>; Garrett, Kathryn <[KGarrett@willkie.com](mailto:KGarrett@willkie.com)>; Polizzano, Michelle <[MPolizzano@willkie.com](mailto:MPolizzano@willkie.com)>; Zhu, Molly <[MZhu@willkie.com](mailto:MZhu@willkie.com)>; nas@naslegal.com; Mancino, Richard <[RMancino@willkie.com](mailto:RMancino@willkie.com)>; Gear, Bruce (CRT) <[Bruce.Gear@usdoj.gov](mailto:Bruce.Gear@usdoj.gov)>; Jayaraman, Tharuni (CRT) <[Tharuni.Jayaraman@usdoj.gov](mailto:Tharuni.Jayaraman@usdoj.gov)>; Newkirk, Zachary (CRT) <[Zachary.Newkirk@usdoj.gov](mailto:Zachary.Newkirk@usdoj.gov)>; Mateo Forero <[mforero@HoltzmanVogel.com](mailto:mforero@HoltzmanVogel.com)>; Smith, K'Shaani (CRT) <[K'Shaani.Smith@usdoj.gov](mailto:K'Shaani.Smith@usdoj.gov)>; Wake, Brittany (CRT) <[Brittany.Wake@usdoj.gov](mailto:Brittany.Wake@usdoj.gov)>; Alexandra Copper <[ACopper@campaignlegalcenter.org](mailto:ACopper@campaignlegalcenter.org)>

**Subject:** RE: Petteway v. Galveston County, 3-22-cv-57 - Petteway Plaintiffs' Expert Reports

Good afternoon,

Please see attached the Rebuttal Report of Matt Barreto and Michael Rios.

Thank you,

Valencia

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**From:** Valencia Richardson

**Sent:** Friday, January 13, 2023 10:27 PM

**To:** Shawn Sheehy <[ssheehy@HoltzmanVogel.com](mailto:ssheehy@HoltzmanVogel.com)>; Hilary Harris Klein <[hilaryhklein@scsj.org](mailto:hilaryhklein@scsj.org)>; Dallin Holt <[dholt@HoltzmanVogel.com](mailto:dholt@HoltzmanVogel.com)>; Vall-Ilobera, Diana <[DVall-Ilobera@willkie.com](mailto:DVall-Ilobera@willkie.com)>; Sarah Chen <[schen@texascivilrightsproject.org](mailto:schen@texascivilrightsproject.org)>; Jason Torchinsky <[jtorchinsky@HoltzmanVogel.com](mailto:jtorchinsky@HoltzmanVogel.com)>; [bob.boemer@co.galveston.tx.us](mailto:bob.boemer@co.galveston.tx.us); Angela Olalde <[aolalde@greerherz.com](mailto:aolalde@greerherz.com)>; [dloesq@aol.com](mailto:dloesq@aol.com); [jraschke@greerherz.com](mailto:jraschke@greerherz.com); [joe@nixonlawtx.com](mailto:joe@nixonlawtx.com); Joseph Russo <[JRusso@greerherz.com](mailto:JRusso@greerherz.com)>; [bernadette@uclavrp.org](mailto:bernadette@uclavrp.org); Mark Gaber <[MGaber@campaignlegalcenter.org](mailto:MGaber@campaignlegalcenter.org)>; [neil@ngbaronlaw.com](mailto:neil@ngbaronlaw.com); Simone Leeper <[SLeeper@campaignlegalcenter.org](mailto:SLeeper@campaignlegalcenter.org)>; [sonni@uclavrp.org](mailto:sonni@uclavrp.org); Chad Dunn <[chad@brazilanddunn.com](mailto:chad@brazilanddunn.com)>; Silberstein, Andrew <[ASilberstein@willkie.com](mailto:ASilberstein@willkie.com)>; Hani Mirza <[hani@texascivilrightsproject.org](mailto:hani@texascivilrightsproject.org)>; Suriani, JoAnna <[JSuriani@willkie.com](mailto:JSuriani@willkie.com)>; Joaquin Gonzalez <[joaquin@texascivilrightsproject.org](mailto:joaquin@texascivilrightsproject.org)>; Garrett, Kathryn <[KGarrett@willkie.com](mailto:KGarrett@willkie.com)>; Polizzano, Michelle <[MPolizzano@willkie.com](mailto:MPolizzano@willkie.com)>; Zhu, Molly <[MZhu@willkie.com](mailto:MZhu@willkie.com)>; [nas@naslegal.com](mailto:nas@naslegal.com); Mancino, Richard <[RMancino@willkie.com](mailto:RMancino@willkie.com)>; Gear, Bruce (CRT) <[Bruce.Gear@usdoj.gov](mailto:Bruce.Gear@usdoj.gov)>; Jayaraman, Tharuni (CRT) <[Tharuni.Jayaraman@usdoj.gov](mailto:Tharuni.Jayaraman@usdoj.gov)>; Newkirk, Zachary (CRT) <[Zachary.Newkirk@usdoj.gov](mailto:Zachary.Newkirk@usdoj.gov)>; Mateo Forero <[mforero@HoltzmanVogel.com](mailto:mforero@HoltzmanVogel.com)>; Smith, K'Shaani (CRT) <[K'Shaani.Smith@usdoj.gov](mailto:K'Shaani.Smith@usdoj.gov)>; Wake, Brittany (CRT) <[Brittany.Wake@usdoj.gov](mailto:Brittany.Wake@usdoj.gov)>

**Subject:** Petteway v. Galveston County, 3-22-cv-57 - Petteway Plaintiffs' Expert Reports

Counsel—

Please see attached Plaintiffs' expert reports for experts Matt Barreto, Michael Rios, and Tye Rush. The expert report of Dr. Traci Burch will be served on January 27, 2022, per the parties' agreement.

Best,

Valencia

**Valencia Richardson**

Legal Counsel, Voting Rights

she/her/hers

Check out CLC's new podcast: [Democracy Decoded](#)

202.266.2574

318.573.8984 (cell)

Campaign Legal Center  
1411 K St. NW, Suite 1400  
Washington, DC 20005  
[campaignlegalcenter.org](https://campaignlegalcenter.org)

[Facebook](#) | [Twitter](#)

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**Bernadette Reyes**

(she/her/hers)

Voting Rights Counsel

UCLA Voting Rights Project

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**Bernadette Reyes**

(she/her/hers)

Voting Rights Counsel

UCLA Voting Rights Project